

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

ERIC MACKIE, JOSHUA BIGGS,  
and RUTH MATTISON, individually  
and on behalf of others similarly  
situated

Plaintiffs,

v.

AMERICAN HONDA MOTOR CO.,  
INC.,

Civ. No.: 0:22-cv-00736-NEB-LIB

**REVISED JOINT STIPULATION REGARDING APPOINTMENT  
OF INTERIM CLASS COUNSEL**

Plaintiffs Erick Mackie, Joshua Biggs, and Ruth Mattison, and Defendant American Honda Motor Co., Inc. hereby stipulate as follows:

WHEREAS, this litigation arises from allegations that Honda manufactured, sold, and leased model year (“MY”) 2019-2021 Honda CR-V and Honda Civic vehicles and MY 2018-2021 Honda Accord vehicles equipped with “Earth Dreams” 1.5L direct injection engines that are susceptible to oil dilution;

WHEREAS, Plaintiffs Eric Mackie, Joshua Biggs, and Ruth Mattison initiated this action on March 23, 2022 (ECF No. 1);

WHEREAS, on August 12, 2022, Defendant American Honda Motor Co., Inc. filed its answer to Plaintiffs’ complaint (ECF No. 24).

WHEREAS, on October 11, 2022, the Court granted the parties’ stipulation dismissing Defendant Honda Motor Co., Ltd. (ECF No. 31);

WHEREAS, on January 23, 2023, this Court entered an Order granting the parties’ Joint Stipulation Regarding Appointment of Interim Class Counsel (ECF

No. 42), which appointed Matthew D. Schelkopf of Sauder Schelkopf LLC and Nicholas A. Migliaccio of Migliaccio & Rathod LLP to serve as Interim Co-Lead Counsel, Stephen R. Bassar of Barrack Rodos & Bacine to the Executive Committee, and Daniel Hedlund of Gustafson Gluek PLLC as Liaison Counsel;

WHEREAS, *Wolf v. American Honda Motor Co., Inc.*, No. 1:22-cv-5855, was filed on October 24, 2022 in the Northern District of Illinois and transferred to this Court on January 19, 2023, 0:23-cv-00145, ECF No. 24, and assigned to Judge Tunheim;

WHEREAS, on March 9, 2023, *Wolf v. American Honda Motor Co., Inc.*, No. 0:23-cv-00145 was reassigned to the Hon. Nancy E. Brasel;

WHEREAS, Interim Class Counsel have conferred with counsel in the *Wolf* matter and seek to amend the Court's previous Order granting the parties' Joint Stipulation Regarding Appointment of Interim Class Counsel to include Jonathan D. Lindenfeld of Fegan Scott LLC as a member of the Executive Committee;

WHEREAS, Fegan Scott LLC is well-qualified to serve on the Executive Committee and to represent the interests of the putative class, *see* Exhibit A (firm resume of Fegan Scott LLC);

WHEREAS, Fed. R. Civ. P. 23(g)(3) states that the "court may designate interim counsel to act on behalf of a putative class before determining whether to certify the action as a class action;"

WHEREAS, Defendant does not oppose adding Jonathan D. Lindenfeld of Fegan Scott LLC to the Executive Committee;

WHEREAS, Defendant's lack of opposition to the designation of interim class counsel shall not constitute a waiver by Defendant to challenge any factors the court may consider when ruling on a class certification motion nor shall it constitute a waiver of any defenses or affirmative defenses;

WHEREAS, a proposed order granting this relief has been submitted herewith.

**IT IS HEREBY STIPULATED AND AGREED**, by Plaintiffs and Defendant, subject to the Court's approval, that:

1. Pursuant to Fed. R. Civ. P. 23(g)(3), the Court appoints Matthew D. Schelkopf of Sauder Schelkopf LLC and Nicholas A. Migliaccio of Migliaccio & Rathod LLP to serve as Interim Co-Lead Counsel and to act on behalf of putative members in this case and any additional actions that might be filed in or transferred to this Court, or otherwise consolidated with this action. The Court also appoints Stephen R. Basser of Barrack Rodos & Bacine and Jonathan D. Lindenfeld of Fegan Scott LLC to the Executive Committee. The Court also appoints Daniel Hedlund of Gustafson Gluek PLLC as Liaison Counsel.

2. The Court finds that the appointments appropriate in this case, and further finds that counsel are experienced in complex commercial class action litigation and have the resources and knowledge to adequately represent the putative class.

3. Consistent with the Manual for Complex Litigation, Fourth, §§ 10.221 and 40.22, Interim Co-Lead Counsel will be generally responsible for the overall conduct of the litigation on behalf of the putative class and will have the following specific responsibilities:

- a. To determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of Plaintiffs and putative class members on all matters arising during pretrial proceedings;
- b. To delegate work as needed to the Executive Committee and Liaison Counsel to efficiently prosecute this litigation and avoid unnecessary duplication of time and effort.
- c. To coordinate the initiation and conduct of discovery on behalf of Plaintiffs and putative class members, consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2), and 26(g), including the

- preparation of joint interrogatories and requests for the production of documents and the examination of witnesses in depositions;
- d. To conduct settlement negotiations on behalf of Plaintiffs and putative class members, where appropriate, to present any proposed settlements to the Court on behalf of putative class members;
  - e. To delegate specific tasks to other counsel or committees of counsel, as authorized by the Court, in a manner designed to ensure that pretrial preparation for Plaintiffs and the putative class is conducted efficiently and effectively;
  - f. To enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
  - g. To prepare and distribute status reports to any other law firms that might seek to represent the putative class;
  - h. To maintain adequate time and disbursement records covering services as Interim Class Counsel
  - i. To apportion and determine fee and expense allocations between Interim Class Counsel;
  - j. To monitor the activities of any other law firms that might seek to represent putative class members to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and
  - k. To perform such other duties as may be incidental to the proper prosecution and coordination of pretrial activities on behalf of Plaintiffs and the putative class or authorized by further order of this Court.

Dated: April 5, 2023

By: /s/ Matthew D. Schelkopf  
Matthew D. Schelkopf (*pro hac vice*)  
Joseph B. Kenney (*pro hac vice*)

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*Proposed Executive Committee*

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*Proposed Liaison Counsel*

Dated: April 5, 2023

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*Counsel for American Honda Motor Co.,  
Inc.*

**CERTIFICATE OF SERVICE**

I, Matthew D. Schelkopf, filed the foregoing *Revised Joint Stipulation Regarding Appointment of Interim Class Counsel* thereby electronically serving it upon all counsel of record.

Dated: April 5, 2023

By: /s/ Matthew D. Schelkopf